



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

October 18, 2019

By ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

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Re: *Natural Resources Defense Council, Inc., et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4596 (VEC), consolidated with *National Audubon Society, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 4601 (VEC), and *State of New York, et al. v. U.S. Department of the Interior, et al.*, 18 Civ. 8084 (VEC)

Dear Judge Caproni:

This Office represents defendants U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Daniel Jorjani, in his official capacity (“Defendants”), in the three consolidated actions referenced above. In accordance with the Court’s August 9, 2019 scheduling order, *see* Dkt. No. 55, we submit this joint letter on behalf of all parties to inform the Court as to the status of the administrative record for these matters.

Pursuant to the deadline set in the August 9 order, Defendants produced the administrative record to all Plaintiffs on September 20, 2019. On October 11, 2019, Plaintiffs collectively responded by proposing that additional materials be included in the record submitted by Defendants. During the past week, the parties have reached agreement with respect to certain of the Plaintiffs’ proposed additions, but the parties require additional time to meet and confer to see if it is possible to reach agreement as to the remaining items, or at least to further narrow the scope of issues in dispute. Accordingly, the parties propose to provide a second status report regarding the administrative record on or before November 1, 2019, at which time the parties will again either (a) notify the Court that they agree that the administrative record is complete and propose reasonable page limits for their cross-motions for summary judgment, (b) propose a further reasonable, extended deadline by which to update the Court on the status of their discussions regarding the record’s completeness, or (c) propose a reasonable deadline for briefing any motions regarding the record. *See* Dkt. No. 55 at 3.

We thank the Court for its consideration of and attention to these matters.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/ Andrew E. Krause
ANDREW E. KRAUSE
Assistant United States Attorney
Telephone: 212-637-2769
E-mail: andrew.krause@usdoj.gov

cc: All counsel of record via ECF

Application GRANTED.

SO ORDERED.

 10/21/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE